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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,219	10/15/2003	Calvin Wang	021756-002700US	8072
51206	7590	11/09/2009	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW LLP			STRANGE, AARON N	
TWO EMBARCADERO CENTER				
8TH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			2448	
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			11/09/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,219	WANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AARON STRANGE	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 July 2009.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendments to claim 15 are sufficient to overcome the rejection of claims 15-25 under 35 U.S.C. §101. Accordingly, that rejection has been withdrawn.
  
2. Applicant's remaining arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
  
4. Claims 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Cattan et al. (US 6,961,330) in view of Arneson et al. (US 2001/0056508).
  
5. With regard to claim 1, Cattan discloses a method for messaging with devices in order to determine one or more actions to perform, the method comprising:

storing action information at a computer system (Cellular-to-Web Converter 140) that acts as an intermediary for devices (mobile terminal 110) that need to access a set of applications (application server 150/170) to perform the one or more actions action

information is stored in a session resolution table at the computer system)(col. 9, ll. 46-50), the action information providing an action identifier (fig. 8; possible Responsive SMS Messages) identifying each action in the one or more actions and a mapping between the action identifier and information specifying how the computer system interacts with the set of applications to perform the action corresponding to the action identifier (possible actions are correlated with particular active server pages that are used to perform the actions and generate responses)(col. 8, l. 61 to col. 9, l. 5; col. 15, ll. 30-36; figs. 5 and 8);

storing state information at the computer system that is unique to a message to be sent to a device (fig. 8), the state information providing a message identifier generated by the computer system to identify the message (ID of the mobile terminal to which the message was sent and the SMS destination address of the application from which the message originated are stored in the session resolution table)(col. 15, ll. 24-30) and a mapping associating at least a portion of the action information with the message identifier generated by the computer system (the ID of the mobile terminal and the SMS destination address are mapped to a particular active server page URI)(col. 15, ll. 24-30; col. 16, ll. 7-10);

sending the message to a device using the computer system, the message including one or more action identifiers corresponding to actions represented in the message (SMS message containing a list of the action identifiers is sent to the mobile terminal)(col. 15, ll. 45-52);

receiving a response message from the device at the computer system, the response message including at least one of the one or more action identifiers for the actions represented in the message sent to the device (response message includes a selection of one of the action identifiers)(col. 15, ll. 58-67);

retrieving the stored state information that is unique to the message sent to the device using the computer system to obtain the mapping associating at least a portion of the action information with the message identifier based on the message identifier received in the response message from the device (appropriate action information is obtained using the ID and the SMS destination address)(col. 16, ll. 1-14);

retrieving stored action information corresponding to an action in the one or more actions using the computer system from the portion of the stored action information associated with the message identifier using the at least one of the one or more action identifiers for the actions represented in the message sent to the device (stored action information is retrieved and output to the HHTP request manager)(col. 16, ll. 1-14); and

performing the action using the action information (the selected command is executed to obtain a response)(col. 14, ll. 14-45).

Cattan fails to specifically disclose that the message identifier uniquely identifies the message or that the message identifier is included in the message sent to the device and received in the reply from the device.

Arneson discloses a similar system for transmitting messages between a mobile device and an notification server (¶8). Arneson teaches assigning a unique identifier (claim check) to each message (¶53). Arneson also teaches including the identifier in

the message sent to the mobile device (¶52; ¶83) and in the reply received from the mobile device (¶85). This would have been an advantageous addition to the system discloses by Cataan since it would have allowed reply messages received from the mobile devices to be associated with a particular message sent to the mobile device, allowing the system to quickly and accurately identify the appropriate actions to take based on the response by referencing the session table using the unique message identifier.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a message identifier that uniquely identifies a message sent to a mobile device, since it would have allowed reply messages to be quickly and accurately associated with original messages to determine the appropriate actions to take in response to the reply message.

6. With regard to claims 2 and 25, Cattan further discloses that the action information comprises information compatible with a web-based application, wherein the web-based application is used to perform the action (commands may be used to get information from a web server)(col. 16, ll. 14-20).
  
7. With regard to claim 3, 23 and 24, Cattan further discloses that the sent message comprises a text-based message and the response message comprises a text-based message (messages sent to/from the mobile device are SMS messages)(col. 15, ll. 45-67).

8. With regard to claims 4 and 14, Cattan further discloses sending a result of the performed action to the device (information retrieved by the server is returned to the device)(col. 16, ll. 34-45).

9. With regard to claims 5, 6, 13, 19 and 20, Arneson further discloses determining, from a response message, information specific to the device (identifier of calling device) and information specific to a user associated with the device (claim check) (¶53). This information is used to retrieve stored event information from a database (¶53; ¶60).

10. With regard to claims 7 and 22, Cattan further discloses that sending the message to the device comprises sending the message to a mobile device (mobile terminal)(col. 15, ll. 45-47).

11. Claims 8, 15 and 21 are rejected under the same rationale as claim 1, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

12. With regard to claims 9, 10 and 18, Cattan further discloses that the second information that enables the one or more actions to be performed comprises state

information for a web-based application, particularly a URL (col. 15, ll. 24-30; col. 16, ll. 1-30).

13. With regard to claims 11, 12, 16 and 17, Cattan further discloses that the sent message and the text message each comprise a plain-text message (both messages are SMS text messages)(col. 15, ll. 45-67).

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448